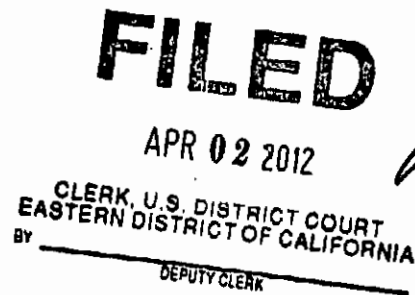


Jasdev Singh  
Reg. No.: 64003-097  
Adams County Correctional Complex  
P.O. Box 1600  
Washington, MS 39190.

In propria persona.



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASDEV SINGH,

Case No. 1:12 CV 00498 AWI GSA

Plaintiff,

vs.

UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY AND DOES 1-50,

Defendants.

///

ORIGINAL COMPLAINT FOR DAMAGES

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COMES NOW, Jasdev Singh, Plaintiff, (hereafter, "Plaintiff"), appearing in propria persona and files this Complaint against the United States Department of Homeland Security and DOES 1-50, (hereafter, "Defendants") and for causes of action, would respectfully show as follows:

PARTIES

1. Plaintiff, Registration Number 64003-097, is a federal prisoner, presently incarcerated at the Adams County Correctional Complex located in Natchez, Mississippi, (hereafter, "ACCC"),<sup>1</sup> serving an 84- month term of imprisonment.

2. Defendant, United States Department of Homeland Security, is an agency as defined under 5 U.S.C. § 552a(a)(1) and may be served, at the Office of the Chief Counsel, United States Department of Homeland Security, Washington, DC, 20258. As time is of essence, copies of this complaint are also served on to Attorney General; Director, Bureau of Immigration and Customs, Bakersfield, California; and United States Attorney's Office, Eastern District of California.

3. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as DOES 1 through 50, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants are responsible in some manner for the occurrences herein alleged, and that the Plaintiff's damages as alleged herein were proximately caused by such Defendants.

4. At all times mentioned herein, each of the Defendant herein is an agency as defined in 5 U.S.C. § 552a(a)(10); a "source agency" as defined in 5 U.S.C. § 552a(a)(11), and each of the remaining Defendants were at all times acting with the consent and scope of such agency, recipient

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<sup>1</sup> ACCC is a private facility that is owned and operated by Corrections Corporation of America. Adams County contracts with the Bureau of Prisons and houses low security inmates.

remaining Defendants were at all times acting with the consent and scope of such agency, recipient agency, non-federal agency or source agency. Further, the acts of each Defendant was committed as an agent for each of the remaining Defendants and ratified by said remaining Defendants.

### VENUE

5. Venue, pursuant to 5 U.S.C. § 552a(g)(1)(5), is the United States District Court, Eastern District of California, as the records in question are situated either with Department of Homeland Security, Bureau of Immigration and Customs, Bakersfield, California; and/or United States Attorney's Office, Eastern District of California; and/or the United States District Court, Eastern District of California, and substantial part of the events or omissions giving rise to this civil action occurred in the Eastern District of California.

### RELEVANT BACKGROUND

6. On November 6, 2008, a Second Superseding indictment was filed in the United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002 (hereafter, sometimes the "criminal matter"), charging Plaintiff with conspiracy to possess and distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). Initially, Plaintiff was represented by Attorney Steve Quade and later the law firm of Nuttall & Coleman associated with Mr. Quade in representing Plaintiff's interests in the criminal matter (hereafter, "defense counsel").

7. On June 5, 2009, Plaintiff entered a guilty plea, to Count One, Conspiracy to Distribute and to Possess with the Intent to Distribute Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A), pursuant to a plea agreement under Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure,<sup>2</sup>

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<sup>2</sup> See, *United States v. Singh*, U.S. Dist. Ct. E. Dist. Cal. Case No. 1:08-CR-00212 OWW, Document No.: 139, incorporated by reference herein as though fully set forth at length.

filed a Motion to Dismiss, notwithstanding, Plaintiff having entered a plea pursuant to the aforesaid Plea Agreement. The motion in relevant part alleged, as grounds for the motion to dismiss, Plaintiff was denied his Sixth Amendment right to counsel and due process of law based upon facts which were discovered (subsequent to the entry of the plea) that one of the Government's informant, (hereafter, "Informant"), without having disclosed his/her agency, as a Drug Enforcement Agency (hereafter, "DEA") informant, engaged in surreptitious meetings with Plaintiff's attorney, Mr. Quade, in the company of defense investigators in Mr. Quade's office to discuss confidential matters attendant to the defense in this case, including, but not limited to, asking a number of questions regarding defense strategy. As such, it was asserted that the said Government Informant directly infiltrated the preparation of the defense in violation of Plaintiff's most significant Sixth Amendment right, (hereafter, "Motion to Dismiss").<sup>3</sup>

9. On August 16, 2010, the Government, through the United States Attorney's Office, Eastern District of California, filed a Request to Seal the aforesaid Motion to Dismiss and Stay Proceedings Pending Clarification from Defense Regarding Plea Agreement. In its gobbledegook while the Government conceded that the informant provided information to the DEA during the investigation, denied that the informant was signed up as a DEA informant during the investigation of the criminal matter. However, was *later* activated as a DEA informant.<sup>4</sup>

10. Nevertheless, by virtue of the San Francisco, California, Immigration Court's April 5, 2000, Order granting Plaintiff's application for asylum and representations of the agents of the Department of Homeland Security, Bureau of Immigration and Customs, Bakersfield, California;

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<sup>3</sup> See, *United States v. Singh*, U.S. Dist. Ct. E. Dist. Cal. Case No. 1:08-CR-00212 OWW, Document No.: 372 (Motion to Dismiss), incorporated by reference herein as though fully set forth at length.

<sup>4</sup> See also, Document No.: 373 (Government's Request to Seal Defendants Motion to Dismiss and Stay Proceedings Pending Clarification From Defense Regarding Plea Agreement), incorporated by reference herein as though fully set forth at length.



Department of Homeland Security, Bureau of Immigration and Customs, Bakersfield, California; United States Attorney's Office, Eastern District of California; United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002. On a number of occasions it was represented in Court and otherwise by the United States Attorney's Office, Eastern District of California, that Plaintiff is deemed non-deportable. In fact, the rights, benefits, and/or privileges based on Plaintiff's non-deportable status, were of particular concern in Plaintiff's agreement to enter a plea and withdraw his Motion to Dismiss, if the Government could assure Plaintiff of his non-deportable status.

11. Based on the said unequivocal assurance of Plaintiff's non-deportable status, Plaintiff agreed to, and in fact did, including, but not limited to, enter the aforesaid guilty plea, withdrew the aforesaid Motion to Dismiss, while defense counsel, Roger T. Nuttall; et.al.; Assistant United States Attorney, Karen A. Escobar; and the Honorable Court; failed to inform Plaintiff regarding the "possibility" of deportation, and, in fact, in exchange for agreeing to enter a plea of guilty as well as withdraw the Motion to Dismiss, the United States Attorney's Office – Eastern District of California through Assistant United States Attorney, Karen A. Escobar, in addition to the negotiated sentence of incarceration, also recommended, that: (1) Plaintiff be placed in a minimum security prison;<sup>5</sup> (2) participate in the Residential Drug Abuse Treatment Program (RDAP);<sup>6</sup> (3) participate in a Residential Reentry Program (RRC);<sup>7</sup> and, (4) based on Plaintiff's family commitments and responsibilities hoped on Plaintiff's family's behalf may be reunited at the earliest possible time.

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5 Bureau of Prisons' institutions are classified into one of five security levels: Minimum, Low, Medium, High, and Administrative based on the level of security and staff supervision the institution is able to provide.

6 Inmates that complete the RDAP may be eligible for early release, up to one year, pursuant to 18 U.S.C. § 3621(e).

7 RRCs, more commonly known as "halfway houses," are minimally secure community based facilities in which certain eligible BOP inmates may be placed up to the last year of their terms of imprisonment to facilitate their transition into the community upon completion of their terms of imprisonment.

12. The Government's aforesaid assurance that Plaintiff was non-deportable was reinforced by the Honorable Court during the plea allocution; by defense counsel; by the Probation Department during the Pre-sentence interview and again by the Honorable Court at sentencing, to the effect that, as Plaintiff was non-deportable, therefore the Court recommended: (1) Plaintiff be placed in a minimum security prison; (2) participate in the RDAP; and, (3) participate in a RRC.

13. Plaintiff later discovered, notwithstanding, while Plaintiff was being lured, based on the aforesaid assurance that Plaintiff was non-deportable, into agreeing to enter the plea of guilty, withdraw his Motion to Dismiss, Defendants disseminated material unreliable, inaccurate, and incomplete facts, stating in relevant part: "Investigation has been initiated to determine whether this person is subject to removal from the United States," that, unbeknownst to Plaintiff, triggered, the Bureau of Prisons, to categorize Plaintiff with a Public Safety Factor, (hereafter, "PSF") for Deportable Aliens.<sup>8</sup>

14. In fact, based on a group of records, as defined in 5 U.S.C. § 552a(a)(4) and (5), despite being aware of an unequivocal determination and assurance that Plaintiff is non-deportable, Defendants intentionally and willfully, without any effort to ensure its accuracy and reliability, notwithstanding, the aforesaid assurance that Plaintiff was non-deportable, disseminated material unreliable, inaccurate, and incomplete facts, directly resulting in adverse determinations about Plaintiff's rights, benefits, and privileges; resulting in including, but not limited to, (1) prohibited

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<sup>8</sup> A PSF is "relevant factual information regarding the inmate's current offense, sentence, criminal history or institutional behavior that requires additional security measures be employed to ensure safety and protection to the public." See, Bureau of Prisons, Program Statement, P5100.08, Chapter 5, p. 8. A PSF requires increased security measures to ensure protection of the public. *Id.* at p. 4. There are nine PSFs which are applied to inmates who are not appropriate for placement at an institution which would permit inmate access to the community (*i.e.* Minimum Security). *Id.* The application of a PSF overrides security point scores to ensure the appropriate security level is assigned to an inmate, based on his or her demonstrated current or prior behavior. A PSF of Deportable Alien is applied to inmates that have a possibility of deportation. *Id.* at p. 11. With a PSF of Deportable Alien, an inmate cannot be designated to a facility with a security classification below a Low, participate in the RDAP program pursuant to 18 U.S.C. § 3621(e) nor the RRC program.

from being placed in a minimum security prison; (2) prohibited from participating in the RDAP; (3) prohibited from participating in a RRC; (4) would be forced to remain in prison beyond expiration of his term while waiting for deportation proceedings; (5) as ACCC is considered an Immigration Hearing Site (pending immigration hearing) and/or Release Site (inmate with orders of deportation), prohibited from being transferred to a facility closer to the family.

15. On December 7, 2011, despite the aforesaid repeated assurances by Defendants; United States Attorney's Office, Eastern District of California; defense counsel, that Plaintiff is non-deportable, Defendants confirmed their reliance on the said material unreliable, inaccurate, and incomplete facts by issuing an "immigration detainer" – a record pursuant to 5 U.S.C. § 552a(a)(4), stating in relevant part: "Investigation has been initiated to determine whether this person is subject to removal from the United States."<sup>9</sup>

16. By failing to maintain the aforesaid and other records concerning Plaintiff with such accuracy, timeliness, relevance and completeness as is necessary, pursuant to the assurances by, including, but not limited to, Defense Counsel, Defendants; United States Attorney's Office, Eastern District of California; United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002, Plaintiff also cannot be assured a fair determination, including, but not limited to, the proceedings by the Immigration Court, related to Plaintiff's qualifications, character, rights, opportunities, privileges and/or benefits.

17. Further, by failing to correct and maintain the aforesaid and other records concerning

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<sup>9</sup> A detainer is a request filed by a criminal justice agency with the institution in which a prisoner is incarcerated, asking that the prisoner be held for the agency, or that the agency be advised when the prisoner's release is imminent. Filing a detainer is an informal process that generally can be done by any person who has authority to take a prisoner into custody. A detainer can remain lodged against a prisoner without any action being taken on it. The filing of a detainer also indicates that ICE has initiated an investigation to determine whether Plaintiff is subject to deportation from the United States. Attached as **Exhibit A**, and incorporated by reference hereto as though fully set forth at length, is a true and correct copy of the said record issued based on material unreliable, inaccurate, and incomplete facts.

Plaintiff in compliance with the assurances that Plaintiff is non-deportable, by Defendants; United States Attorney's Office, Eastern District of California; United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002, Plaintiff is not assured protection against anticipated threats and hazards that could further result in substantial harm, embarrassment, inconvenience or unfairness to Plaintiff.

CONDITIONS PRECEDENT

18. After Plaintiff was transferred to ACCC. On December 2, 2011, defense counsel, Roger S. Bonakdar, informed Chief of Unit Management, Chief Rice at ACCC of the aforesaid assurances and representations and requested her to correct the Bureau of Prisons Records in order to facilitate Plaintiff's transfer closer to his family and to avail the rights, benefits, and/or privileges based on his non-deportable status.

19. On December 20, 2011, ACCC's Warden Laughlin, responded to attorney Roger S. Bonakdar, informing him in relevant part: "inmate Singh has been provided with a copy of the Bureau [of] Immigration and Customs (BICE) detainer which has been placed on him." and Attorney Bonakdar should contact Defendants to correct any discrepancy.

20. On January 17, 2012, Plaintiff requested Defendants, through the office, that issued the detainer, at 1010 East Whatley Road, Oakdale, LA 71463, to remove the immigration detainer, in order for Plaintiff to avail the aforesaid rights, benefits, and privileges, that are being denied as a result of the issuance of the said immigration detainer.

21. As Defendants did not respond to the January 17, 2012 request, on February 2, 2012, Plaintiff, once again, requested Defendants, through its office at 830 Pinehill Road, Jena, LA 71342, to remove the immigration detainer that they had issued, in order for Plaintiff to be afforded



the aforesaid rights, benefits, and privileges, that continue to be denied as a result of the issuance of the said immigration detainer. Defendants did not respond.

22. As Defendants did not respond to January 17, 2012 and February 2, 2012, on March 13, 2012, in a final attempt to mitigate and pursuant to including, but not limited to, 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10) and (i)(1). Plaintiff informed Defendants, through their office at 800 Truxton Ave. Suite 109, Bakersfield, California 93301, of the aforesaid assurances and the material unreliable, inaccurate, and incomplete facts and requested Defendants to amend and correct their records, so that the said detainer would be removed and Plaintiff would not be categorized with a PSF for Deportable Aliens or be subject to deportation proceedings by the Immigration Court, and in turn, would be afforded the rights, benefits, and privileges that Plaintiff would be entitled to, based on the assurances by Defendants; United States Attorney's Office, Eastern District of California; Plaintiff's Trial Counsel; and, United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002, that Plaintiff is non-deportable.

23. A copy of the said March 13, 2012 communication, was also sent to, Defendants at 1010 East Whitley Road, Oakdale, LA 71463; United States Attorney's Office, Eastern District of California, 2500 Tulare Street, Fresno, California 93721; and Attorney Roger S. Bonakdar, at 2445 Capitol Street, # 150, Fresno, California 93721. Attached as **Exhibit B**, and incorporated by reference hereto as though fully set forth at length, is a true and correct copy of the said communication. Defendants did not respond.

#### JURISDICTION

24. The Court has jurisdiction under 28 U.S.C. § 1331 that provides a federal question jurisdiction if the claim "arises under the Constitution or laws of the United States."

25. The Court also has jurisdiction under 28 U.S.C. § 1367 that provides the Court with supplemental jurisdiction over non-federal claims that are part of the same case or controversy that falls within federal jurisdiction.

26. As Defendants have refused to comply with Plaintiff's request to amend the material factual inaccuracies as well as fails to make such review in conformity as mandated by the Privacy Act. Plaintiff invokes his right under 5 U.S.C. § 552a(g)(1)(A), (B), (C) and (D) to compel Defendants amend Plaintiff's record in accordance with Plaintiff's request.

27. Defendants have, in violation of including, but not limited to, 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10) and (i)(1), (2), continue to fail to maintain the aforesaid and other records concerning Plaintiff with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in determination related to his qualifications, character, rights, privileges, opportunities, or benefits to the Plaintiff that may be made on the basis of such record, and consequently determinations continue to be made which are adverse to Plaintiff.

28. Defendants have not fulfilled their statutory rule-making requirements, pursuant to 5 U.S.C. § 552a(k)(1) and (k)(2), as Plaintiff has been denied his rights, not to have *any* investigation initiated in order to determine whether Plaintiff is subject to removal from the United States, when he and/or his representatives, including, but not limited to his attorneys, have been assured by Defendants; the United States Attorney's Office, Eastern District of California; and the United States District Court, Eastern District of California, that Plaintiff is non-deportable.

29. Jurisdiction is also conferred upon this Court for Declaratory and injunctive relief is authorized by 5 U.S.C. § 552a(g)(2)(a); 28 U.S.C. §§ 2201, 2202 and Rule 57 of the Federal Rules of Civil Procedure.

FIRST CAUSE OF ACTION  
VIOLATION OF ACCURACY AND DISCLOSURE PROVISIONS  
PURSUANT TO 5 U.S.C. § 552a(e)(6)

30. Each and every and all of the foregoing allegations and paragraphs are incorporated herein as though fully set forth at length.

31. Defendants failed to fulfill its accuracy and disclosure obligations, pursuant to 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10) and (i), by deliberately engaging in a series of abuses designed to conceal and/or misconstrue the assurances that Plaintiff is non-deportable.

32. Which failure proximately caused the Bureau of Prisons to make its adverse determination against Plaintiff by issuing the PSF of Deportable Alien, solely based on the Defendants dissemination of the aforesaid material inaccurate and incomplete facts;

33. Defendants deliberately continue to fail to maintain accurate and complete information, that substantially – if not completely, undermines the factual basis of, including, but not limited to, the immigration detainer; and, the possibility of immigration proceedings.

34. Plaintiff continues to endure economic and non-economic damages.

SECOND CAUSE OF ACTION  
VIOLATION OF PRIVACY ACT'S RULES OF CONDUCT  
PURSUANT TO 5 U.S.C. § 552a(e)(9)

35. Each and every and all of the foregoing allegations and paragraphs are incorporated herein as though fully set forth at length.

36. Related to knowing and willful dissemination of inaccurate, incomplete and irrelevant records pertaining to Plaintiff's status as *possibly* being deportable, Defendants failed to establish rules of conduct for persons involved in the design, development, operation, or maintenance of the said system of records, or in maintaining any record as a result Defendants caused the

dissemination of the aforesaid material inaccurate and incomplete facts.

37. Defendants further failed to instruct each such person with respect to such rules and the requirements of the mandated accuracy and disclosure requirements pursuant to the Privacy Act.

38. Defendants further failed to instruct each such person the penalties for noncompliance.

THIRD CAUSE OF ACTION  
FAILURE TO ESTABLISH APPROPRIATE  
ADMINISTRATIVE, TECHNICAL AND/OR PHYSICAL SAFEGUARDS  
PURSUANT TO 5 U.S.C. § 552a(e)(10)

39. Each and every and all of the foregoing allegations and paragraphs are incorporated herein as though fully set forth at length.

40. Related to knowing and willful dissemination of inaccurate, incomplete and irrelevant records pertaining to Plaintiff's status as *possibly* being deportable, Defendants failed to establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records.

41. Related to knowing and willful dissemination of inaccurate, incomplete and irrelevant records pertaining to Plaintiff's status as *possibly* being deportable, Defendants failed to protect Plaintiff and others against any anticipated threats or hazards to the security and/or integrity of the records pertaining to Plaintiff's status of being non-deportable, as a result, Plaintiff and others are continue to be subjected to substantial harm, embarrassment, inconvenience, or unfairness to Plaintiff.

FOURTH CAUSE OF ACTION  
TO ACCESS CRIMINAL PENALTIES  
PURSUANT TO 5 U.S.C. § 552a(i)(1)

42. Each and every and all of the foregoing allegations and paragraphs are incorporated herein as though fully set forth at length.



43. Officer/s or employee/s of Defendants and others, including, but not limited to, the United States Attorney's Office, Eastern District of California; and the United States District Court, Eastern District of California by virtue of their employment or official position, had possession of, or access to accurate and complete records which contained Plaintiff's identifiable information establishing, as assured by Defendants; the United States Attorney's Office, Eastern District of California; and the United States District Court, Eastern District of California, that Plaintiff is non-deportable.

44. Related to knowing and willful dissemination of inaccurate, incomplete and irrelevant records pertaining to Plaintiff's status as *possibly* being deportable, the aforesaid Officer and/or employee in violation of 5 U.S.C. § 552a(e)(6), (e)(9) and (e)(10), knowing that Plaintiff is non-deportable, knowingly and willingly disseminated material inaccurate and incomplete records stating in essence that Plaintiff was possibly deportable which is prohibited, pursuant to, including, but not limited to 5 U.S.C. § 552a(e)(6), (e)(9) and (e)(10).

45. Knowing that the dissemination of material inaccurate and incomplete records stating, including, but not limited to, "[i]nvestigation has been initiated to determine whether [the Plaintiff] is subject to removal from the United States," was prohibited, pursuant to including, but not limited to, 5 U.S.C. § 552a(i), the aforesaid officers and employees, willfully disclosed material inaccurate and incomplete records in a manner that Bureau of Prisons was not entitled to receive it, detrimental to Plaintiff.

**FIFTH CAUSE OF ACTION**  
**DECLARATORY AND INJUNCTIVE RELIEF**  
**PURSUANT TO 5 U.S.C. § 552a(g)(2)(a)**

46. Each and every and all of the foregoing allegations and paragraphs are incorporated

herein as though fully set forth at length.

47. Plaintiff is a claimant for certain benefits, privileges and rights if he is not categorized by the Bureau of Prisons based on a PSF of Deportable Alien.

48. Plaintiff also has the right of not being subject to any “[i]nvestigation to determine whether [the Plaintiff] is subject to removal from the United States,” and/or deportation proceedings by the Immigration Court, when Plaintiff has been assured by Defense Counsel, Defendants; United States Attorney’s Office, Eastern District of California; United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002, of being non-deportable.

49. The Privacy Act permits Plaintiff to determine what records pertaining to him are accurately and completely collected, maintained, used, and/or disseminated by Defendants and others.

50. The Privacy Act affords Plaintiff the right to seek court intervention when Defendants refuse to correct and amend the inaccurate, incomplete, irrelevant and untimely records. It also gives Plaintiff as a matter of right some meaningful control over how the Federal Government utilizes information about them.

51. The Privacy Act, through court intervention, compels Defendants to accurately and completely collect, maintain, use, or disseminate any record and/or information pertaining to Plaintiff, in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.

52. Defendants; Defense Counsel; United States Attorney’s Office, Eastern District of California; and, United States District Court, Eastern District of California, in Case No. 1:08-CR-

00212-002, repeatedly continue to assure Plaintiff, that Plaintiff is non-deportable.

53. Notwithstanding the assurances that Plaintiff is not deportable, Defendants intentionally and willfully, disseminated material unreliable, inaccurate, and/or incomplete facts to wit: "Investigation has been initiated to determine whether this person is subject to removal from the United States," resulting in the Bureau of Prisons and others continuous denial of certain rights, benefits, and privileges that Plaintiff would be entitled to if Defendants had disseminated accurate, complete, and timely facts to wit: that Plaintiff is not subject to removal from the United States, including, but not limited to, (1) being placed in a minimum security prison; (2) participating in the RDAP; (3) participating in a RRC; (4) would not be forced to remain in prison beyond expiration of his term while waiting for deportation proceedings; (5) as ACCC is considered an Immigration Hearing Site (pending immigration hearing) and/or Release Site (inmate with orders of deportation), would be transferred to a facility closer to the family.

54. Plaintiff brings this action for declaratory and injunctive relief to force defendants to comply with the Privacy Act, federal law and regulations requiring prompt, definitive and final administrative action to provide the Bureau of Prisons with documentation stating that Plaintiff is not subject to removal from the United States.

55. Plaintiff contends that defendants' practice, custom and policy of not definitively and finally acting on Plaintiff's requests is wholly inconsistent with the Privacy Act and thus invalid under the Supremacy Clause of the United States Constitution.

56. Defendants have acted or refused to act on grounds generally applicable under the Privacy Act. Thereby making appropriate, the issuance of a final injunctive and declaratory relief.

57. Defendants' custom and practice of failing to implement prompt, definitive and final

administrative action within the time limits required by the applicable federal regulations continue to deny Plaintiff, his rights to due process of law as guaranteed to him by the United States Constitution. By Defendants non-response to numerous attempts to mitigate, Plaintiff continues to be denied both benefits and his rights to a meaningful adjudication of his claims.

58. No adequate justification exists for the Defendants' arbitrary scheme embodied in Defendants' custom and practice, which has resulted in the denial of rights, privileges and benefits to Plaintiff and is therefore invalid including, but not limited to, under the Privacy Act and the United States Constitution.

59. Plaintiff has no plain speedy or adequate remedy at law and therefore injunctive relief is absolutely necessary.

**SIXTH CAUSE OF ACTION**  
**DAMAGES PURSUANT TO**  
**5 U.S.C. § 552(a)(g)(1)(4)(A), (B), (C) and (D).**

60. Each and every and all of the foregoing allegations and paragraphs are incorporated herein as though fully set forth at length.

61. The acts and omissions of Defendants, as alleged herein, constitute negligent, intentional and willful breach of, including, but not limited to, 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10), thereby denying Plaintiff of his rights, privileges and benefits that he would otherwise be entitled to by Federal law.

62. As a direct, proximate and legal result of Defendants' willful and intentional dissemination of the aforesaid factual inaccuracies, Plaintiff and others has and continues to sustain general and special damages in an amount which is within the jurisdiction of the Court, not yet fully ascertained, but in an amount according to the proof at the time of trial. Plaintiff will seek



leave to amend this Complaint to state the true amount when fully and finally ascertained or according to proof at the time of trial.

63. In intentionally and willfully disseminating the factual material inaccuracies, Defendants acted with oppression, fraud and malice, with malicious intent and with substantial certainty that such conduct would injure and damage Plaintiff. The Defendants acts of willfully and intentionally, by failing to establish appropriate rules and safeguards, was malicious, oppressive, despicable, and in conscious disregard of the Plaintiff's rights, benefits and privileges and therefore Plaintiff is entitled to and requests the imposition of exemplary damages in a sum sufficient to punish and deter Defendants and in an amount when fully and finally ascertained or according to proof at the time of trial.

**SEVENTH CAUSE OF ACTION**  
**INTENTIONAL/RECKLESS OF EMOTIONAL DISTRESS**

64. Each and every and all of the foregoing allegations and paragraphs are incorporated herein as though fully set forth at length.

65. Through Defense Counsel, Defendants; United States Attorney's Office, Eastern District of California; United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002 are aware but have ignored the numerous attempts, Plaintiff has made to mitigate his emotional distress as a result of the intentional and willful dissemination of the inaccurate information that Plaintiff is deportable.

66. Defendants, intentionally and willfully, disseminated the material factual inaccuracies and intentionally and willfully ignored Plaintiff's repeated requests to amend and correct the material factual inaccuracies, all as more fully set forth herein above.

67. Defendants conduct is extreme, outrageous and unjustified resulting in emotional

distress causing chest pains and heart palpitations.

68. Based on the adverse consequences of Defendants intentional and willful dissemination of material factual inaccuracies, resulting in adverse consequences, Plaintiff experienced extreme stress.

69. In committing these acts Defendants, its officer/s or employee/s as well as officers and employees of, including, but not limited to, the United States Attorney's Office, Eastern District of California; and the United States District Court, Eastern District of California, acted in conscious disregard of the probability of causing Plaintiff severe emotional distress, including, but not limited to, the severe emotional distress related to the suffering of Plaintiff's family members.

#### PRAYER

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

(1) On the First Claim for Relief for Violation of Accuracy and Disclosure Provisions pursuant to 5 U.S.C. § 552a(e)(6), and other applicable law that the Defendants be enjoined from conducting any Investigation to determine whether Plaintiff is subject to removal from the United States and based on the assurances of the Defendants and including, but not limited to, Defense Counsel, the United States Attorney's Office, Eastern District of California; and the United States District Court, Eastern District of California that Plaintiff non-deportable.

(2) On the Second Claim for Relief for Violation of Privacy Act's Rules of Conduct. pursuant to 5 U.S.C. § 552a(e)(10), for a declaration that Defendants failed to establish rules of conduct for persons involved in the design, development, operation, or maintenance of the said system of records, or in maintaining any record as a result Defendants caused the dissemination of the aforesaid material inaccurate and incomplete facts;

(3) On the Third Claim for Relief for Failure To Establish Appropriate Administrative, Technical and/or Physical Safeguards. pursuant to 5 U.S.C. § 552a(c)(10), for a declaration that Defendants failed to establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records as a result Defendants caused the dissemination of the aforesaid material inaccurate and incomplete facts resulting in substantial harm, embarrassment, inconvenience, or unfairness to Plaintiff on whom information is maintained;

(4) On the Fourth Claim for Relief for Criminal Penalties pursuant to 5 U.S.C. § 552a(i) to find the Officer/s or employee/s of Defendants and others, including, but not limited to, the United States Attorney's Office, Eastern District of California; and the United States District Court, Eastern District of California by virtue of his or her employment or official position, responsible to have disseminated the inaccurate information resulting in the damages to Plaintiff;

(5) For general, special and compensatory damages according to proof at trial, including those of economic and non-economic damages;

(6) For all pre-judgement interest to which Plaintiff is entitled;

(7) For costs for defending the knowing and willful dissemination of the material inaccurate and incomplete facts;

(8) For costs, expenses and attorney fees;

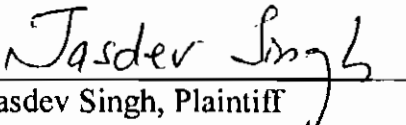
(9) For exemplary and punitive damages in an amount according to the proof at trial, but sufficient to punish Defendants and deter them for the sale of example.

(10) For such other and further relief as the Court may deem just, equitable and proper under the circumstances.

VERIFICATION

I am the Plaintiff in this action, I have read the above complaint and know its contents. The matters stated therein are true to my own knowledge, except as to those matters which are stated on information and belief and as to those matters I believe to be true.

March <sup>th</sup>27 2012

  
Jasdev Singh, Plaintiff  
in propria persona.



# EXHIBIT 1

U.S. Department of Homeland Security

Immigration Detainer - Notice of Action

Subject ID: 341653775

Event #: OAK1212000044

File No: A076 868 347

Date: December 7, 2011

TO: (Name and Title of Institution)  
 ADAMS COUNTY DET CENTER  
 20 HOBO FORK RD.  
 HATCHEZ, MS 391200000

FROM: (Office Address)  
 OAKDALE PROCESSING CENTER FEDERAL ALIEN DETENTION  
 FACILITY  
 DHS/ICE  
 1010 EAST WHATLEY ROAD  
 OAKDALE, LA 71463

Name of Alien: SINGH, JasdevDate of Birth: 08/13/1975Nationality: INDIASex: M

... (MISCELLANEOUS NUMBERS CONTINUED ON I-831)  
 HOP#: 64003-097

You are advised that the action noted below has been taken by the U.S. Department of Homeland Security concerning the above-named inmate of your institution:

- ☒ Investigation has been initiated to determine whether this person is subject to removal from the United States.
- ☐ A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on \_\_\_\_\_  
 (Date)
- ☐ A warrant of arrest in removal proceedings, a copy of which is attached, was served on \_\_\_\_\_  
 (Date)
- ☐ Deportation or removal from the United States has been ordered.

**It is requested that you:**

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work, and quarters assignments, or other treatment which he or she would otherwise receive.

- ☒ Under Federal regulation 8 CFR § 287.7, DHS requests that you maintain custody of this individual for a period not to exceed 48 hours (excluding Saturdays, Sundays, and Federal holidays) to provide adequate time for DHS to assume custody of the alien. Please notify this Office at least 30 days prior to this inmate's release by calling 225-222-2222 during business hours or 225-222-2222 after hours in an emergency.  
 (Area code and phone number)
- ☐ Please complete and sign the bottom block of the duplicate of this form and return it to this office.
- ☐ A self-addressed stamped envelope is enclosed for your convenience.
- ☐ Please return a signed copy via facsimile to \_\_\_\_\_  
 (Area code and facsimile number)
- Return fax to the attention of \_\_\_\_\_, at \_\_\_\_\_  
 (Name of officer handling case) (Area code and phone number)
- ☒ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☒ Notify this office in the event of the inmate's death or transfer to another institution.
- ☐ Please cancel the detainer previously placed by this Office on \_\_\_\_\_.

JACQUES METOYER  
 (Signature of DHS Officer)

DEPORTATION OFFICER  
 (Title of DHS Officer)

**Receipt acknowledged:**

Date of last conviction: \_\_\_\_\_ Latest conviction charge: \_\_\_\_\_

Estimated release date: \_\_\_\_\_

Signature and title of official: \_\_\_\_\_

# **EXHIBIT 2**

Jasdev Singh  
Reg. No.: 64003-097  
Adams County Correctional Complex  
P.O. Box 1600  
Washington, MS 39190.

---

*Via Certified Mail, Return Receipt Requested.*

March 13, 2012

Director,  
Department of Homeland Security  
Bureau of Immigration and Customs  
800 Truxton Ave. Suite 109  
Bakersfield, California 93301

Dear Sir,

**Re: A-076 868 347**  
**Improvidently Issued Immigration Detainer By Violating**  
**Including, 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10) and/or (i)(1), (2)**  
**Final Attempt to Mitigate.**

By virtue of the San Francisco, California, Immigration Court's, April 5, 2000 Order, granting my application for asylum and representations by agents of the Department of Homeland Security, Bureau of Immigration and Customs, Bakersfield, California. On a number of occasions it was represented in the United States District Court, Eastern District of California, Case No. 1:08-CR-00212-002 and otherwise by the United States Attorney's Office, Eastern District of California, that I am deemed non-deportable.

In fact, the rights, benefits, and/or privileges based on the aforesaid non-deportable assurance, were of particular concern in my agreement to enter a plea. I, for my part, agreed to plead guilty, as I had been assured that there was no-chance of causing adverse immigration consequences as a result of agreeing to plead guilty. *See, Padilla v. Kentucky*, --- U.S. ---, 130 S.Ct. 1473, 1483 (2010) ("We ... have previously recognized that '[p]reserving the client's right to remain in the United States may be more important to the client than any potential jail sentence.'") (quoting, *INS v. St. Cyr*, 533 U.S. 289, 323 (2001) (second alteration in original)); Accordingly, "the threat of deportation may provide the defendant with a powerful incentive to plead guilty to an offense that does not mandate that penalty." *Id.* at 1486. *United States v. Bonilla*, 637 F.3d 980 (9th Cir. 2011) (held that defense counsel's inadequate legal advice on immigration consequences of guilty plea constituted a fair and just reason for withdrawal of the plea).



Based on the said unequivocal assurance of my non-deportable status, I agreed to, including, but not limited to, enter the guilty plea, withdraw my Motion to Dismiss, while Trial Attorney, Roger T. Nuttall; the Honorable Court; and the Assistant United States Attorney, in violation of my constitutional right to effective assistance of counsel, due process rights, as well as Rule 11 of the Federal Rules of Criminal Procedure, failed to inform me regarding the "*possibility*" of deportation, and, in fact, in exchange for agreeing to enter a plea of guilty, the United States Attorney's Office – Eastern District of California; and, the Probation Department - Eastern District of California, in addition to the negotiated sentence of incarceration, also recommended, that: (1) I be placed in a minimum security prison;<sup>1</sup> (2) participate in the Residential Drug Abuse Treatment Program (RDAP);<sup>2</sup> and, (3) participate in a Residential Reentry Program (RRC).<sup>3</sup>

The Government's and the Probation Department's assurance was reinforced by the Honorable Court during the plea allocution and sentencing to the effect that, as I was non-deportable, the Court recommended that: (1) I be placed in a minimum security prison; (2) participate in the RDAP; and, (3) participate in a RRC.<sup>4</sup>

I further discovered, notwithstanding, that I was lured into agreeing to enter the plea of guilty, based on the aforesaid assurance that I was non-deportable. Your agency disseminating material unreliable, inaccurate, and incomplete facts, stating in relevant part: "Investigation has been initiated to determine whether this person is subject to removal from the United States," that triggered, Bureau of Prisons, pursuant to Program Statement P5100.08, to impose a Public Safety Factor, (hereafter, "PSF") for Deportable Aliens.<sup>5</sup>

- 1 Bureau of Prisons' institutions are classified into one of five security levels: Minimum, Low, Medium, High, and Administrative based on the level of security and staff supervision the institution is able to provide.
- 2 Inmates that complete the RDAP may be eligible for early release for early release, up to one year, pursuant to 18 U.S.C. § 3621(e).
- 3 RRCs, more commonly known as "halfway houses," are minimally secure community based facilities in which certain eligible BOP inmates may be placed up to the last year of their terms of imprisonment to facilitate their transition into the community upon completion of their terms of imprisonment.
- 4 This does not, in any way allege that the misrepresentations by the Court were made intentionally or maliciously.
- 5 A PSF is "relevant factual information regarding the inmate's current offense, sentence,

After I was transferred to Adams County Correctional Complex,<sup>6</sup> located in Natchez, Mississippi (hereafter, "ACCC"), a prison for "deportable" aliens. On December 2, 2011, attorney, Roger S. Bonakdar, informed Chief Rice at ACCC of the aforesaid assurances and representations and request her to correct the Bureau of Prisons Records and facilitate my transfer closer to my family in order to avail the rights, benefits, and/or privileges based on my non-deportable status. Attached as **Exhibit 1**, and incorporated by reference hereto as though fully set forth at length, is a true and correct copy of the said communication to ACCC.

On December 20, 2011, Warden Laughlin, responded to attorney Roger S. Bonakdar, informing him in relevant part: "inmate Singh has been provided with a copy of the Bureau [of] Immigration and Customs (BICE) detainer which has been placed on him." Attached as **Exhibit 2**, and incorporated by reference hereto as though fully set forth at length, is a true and correct copy of the said communication from Warden Laughlin.

I continue to endure substantial harm, embarrassment, inconvenience, unfairness and adverse determinations related to my rights, benefits, and privileges, including, but not limited to: (1) prohibited from being placed in a minimum security prison; (2) prohibited from participating in RDAP; (3) prohibited from participating in a RRC; (4) would be forced to remain in prison beyond expiration of my term while waiting for the alleged deportation proceedings to conclude; and, (5) as ACCC is considered an Immigration Hearing Site (pending immigration hearing) and/or Release Site (inmate with orders of deportation), prohibited from being transferred to a facility closer to the family.

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criminal history or institutional behavior that requires additional security measures be employed to ensure safety and protection to the public." See, Bureau of Prisons, Program Statement, P5100.08, Chapter 5, p. 8. A PSF requires increased security measures to ensure protection of the public. *Id.* at p. 4. There are nine PSFs which are applied to inmates who are not appropriate for placement at an institution which would permit inmate access to the community (*i.e.* Minimum Security). *Id.* The application of a PSF overrides security point scores to ensure the appropriate security level is assigned to an inmate, based on his or her demonstrated current or prior behavior.

A PSF of Deportable Alien is applied to inmates that have a possibility of deportation. *Id.* at p. 11. With a PSF of Deportable Alien, an inmate cannot be designated to a facility with a security classification below a Low.

- 6 Adams County Correctional Complex is a private facility that is owned and operated by Corrections Corporation of America. ACCC contracts with the Bureau of Prisons and houses low security inmates.

Critically, had I known of the collateral consequence of the possibility of deportation, or that I would not be eligible for programs offered by the Bureau of Prisons as a result of the PSF as a Deportable Alien, I would not have entered into the agreement with the government or plead guilty to an offense that does not mandate this penalty.

In order to avail of the aforesaid rights, benefits, and privileges, that are being denied as a result of including, but not limited to, the improvidently issued said immigration detainer resulting in the PSF categorization as a Deportable Alien, based on your agency's dissemination of material unreliable, inaccurate, and incomplete facts. On January 17, 2012 and February 2, 2012, I had requested the United States Department of Homeland Security, Bureau of Immigration and Customs, through its offices at 1010 East Whatley Road, Oakdale, LA 71463 and 830 Pinehill Road, Jena, LA 71342, to remove the immigration detainer that they had issued, in order for me to avail of the aforesaid rights, benefits, and privileges, that are being denied as a result of the issuance of the said immigration detainer. As of the writing of this communication I have not received any response.

Pursuant to including, but not limited to, 5 U.S.C. § 552a(e)(6)<sup>7</sup>, (e)(9), (e)(10) and

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<sup>7</sup> 5 U.S.C. § 552(a)(e)(6) states in relevant part: "prior to disseminating any record about an individual to any person ... make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;"

5 U.S.C. § 552(a)(e)(9) states: "establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;"

5 U.S.C. § 552(a)(c)(10) states: "establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;"

5 U.S.C. § 552(a)(i) states: "(1) Criminal penalties.--Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a

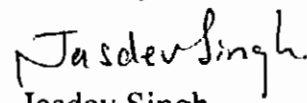


(i)(1), (2), please accept this as my final attempt to mitigate and request you to kindly amend and correct your records so that after finding me non-deportable, the said detainer would be removed as improvidently issued and I would be able to avail the rights, benefits, and privileges that I should be entitled to.

As statutorily required,<sup>8</sup> please respond no later than ten working days from the date of receipt of this communication, failing which, I will assume you are not interested in amicably resolving this matter and I will seek court intervention, including, but not limited to, pursuant to 5 U.S.C. § 552a(g)(1) et. seq.

Looking forward to hearing from you.

Sincerely,

  
Jasdev Singh

CC: Oakdale Processing Center Federal Alien Detention Facility  
Attn: Jacques Metoyer – DHS Officer.  
DHS/ICE  
1010 East Whatley Road  
Oakdale, LA 71463

United States Attorney's Office  
Eastern District of California  
Attn: Karen Escobar, Asst. United States Attorney,  
2500 Tulare Street  
Fresno, California 93721.

Roger S. Bonakdar  
Attorney At law  
Nuttall, Coleman & Wilson  
2445 Capitol Street, # 150  
Fresno, California 93721

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misdemeanor and fined not more than \$5,000.

8 6 C.F.R. § 5.26 et. seq.

# EXHIBIT 1

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A-076868347, Request to Cancel and Rescind Improvidently Issued Immigration Detainer  
By Violating including, 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10) and/or (i)(1), (2),  
and Final Attempt to Mitigate.



**LAW OFFICES OF  
NUTTALL COLEMAN & WILSON**

---

ROGER T. NUTTALL, INC.  
MARK W. COLEMAN  
ROGER D. WILSON  
GLENN M. KOTTCAMP  
ROGER S. BONAKDAR  
TODD D. EILERS

2445 CAPITOL STREET, #150  
FRESNO, CALIFORNIA 93721

TEL: (559) 233-2900  
FAX: (559) 485-3852  
NUTTALLCOLEMAN.COM

December 2, 2011

Adams County Correctional Center  
Attn: Chief Rice  
P.O. Box 850  
Washington, MS 39190

Re: *United States v. Jasdev Singh*  
Register No.: 64003-097

Dear Chief Rice:

As per our telephone conversation and your request, I write to you regarding the above referenced inmate, so as to formalize our request on his behalf, and to provide you with documentation which we believe will facilitate his transfer to a different facility. Again, this firm and the undersigned represent Mr. Singh's interest in this matter, and indeed represented Mr. Singh at his sentencing hearing, in the Federal District Court for the Eastern District of California. To that end, please direct all future correspondence concerning this matter to this office and to my attention.

The purpose of my contact with you is to address what appears to be an oversight, relative to BOP's determination on Mr. Singh's eligibility to participate in the RDAP program. First, and as a preliminary matter, prior to the entry of his plea Mr. Singh was housed at the Lerdo facility in California. An item of particular concern in Mr. Singh's agreement to enter his plea was his all but certain admission into the RDAP program. In our conversation of yesterday afternoon, you confirmed that your facility (Adams) does not/is not equipped to allow participation in the RDAP program. This brings me to the essential purpose of this letter: to request that Mr. Singh be transferred to a facility which does offer the RDAP program, and specifically, a facility in (or at least closer to) California, so that Mr. Singh's three (3) daughters and wife can visit him.

In corresponding with our client and his family, I have learned that Mr. Singh has made significant efforts to address this housing "problem," so to speak, to no avail. Specifically, I am informed that he has already (in writing and otherwise), notified his case Manager (Ms. Tyler), his counselor (Mr. Kennedy), and has at least attempted to address it with his BOP representative—Ms. "Mott Donna." Regrettably, his status and housing location has remained unchanged. In reviewing the documentation appurtenant to Mr.

Adams County Correctional Center  
December 2, 2011  
Page 2 of 2

Singh's above described efforts, I located a note (which I am informed that you prepared) that

states that you determined Mr. Singh is "ineligible" for participation in RDAP because you are under the impression that Mr. Singh is an "illegal alien." Enclosed herewith please find a copy of Mr. Singh's "Green Card." As you can see, Mr. Singh is a legal resident of the United States, and has had legal status at all times relevant to his case. I acknowledge that the enclosed copy may not be the "brightest and best" image. However, it does reflect Mr. Singh's Alien Registration number, and other pertinent information. Should you need a better or additional copy of the foregoing, please so advise and I will do my best to accommodate your needs.

In addition to the above, also enclosed herewith is a photograph of Mr. Singh's three (3) daughters, who have not seen their father for some time. Enrollment in RDAP is important not only to Mr. Singh's rehabilitation, individually, but it is something which is very much important to his family's well being and future. Based on the totality of the foregoing, on behalf of Mr. Singh, I do hereby request that he be transferred to a facility that offers the RDAP program (and preferably one in or nearest to California), as soon as possible. I am further informed that time is of the essence in accomplishing this transfer in that "enrollment," for lack of a better term, in RDAP begins in January 2012. As such, your immediate attention to this matter is much appreciated.

Should you have any questions or concerns, please feel free to contact me. I thank you in advance for your anticipated cooperation and courtesy.

Very truly yours,

NUTTALL COLEMAN & WILSON

ROGER S. BONAKDAR

RTN:wI  
Encl  
CC: Client

# EXHIBIT 2

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A-076868347, Request to Cancel and Rescind Improvidently Issued Immigration Detainer  
By Violating including, 5 U.S.C. § 552a(e)(6), (e)(9), (e)(10) and/or (i)(1), (2),  
and Final Attempt to Mitigate.



December 20, 2011

Roger S. Bonakdar, Esq.  
Law Offices of Nuttall Coleman & Wilson  
2445 Capitol Street, #150  
Fresno, CA 93721

RE: SINGH, JASDEV  
Reg. No. 64003-097

Dear Mr. Bonakdar:

I am in receipt of your inquiry dated December 2, 2011 regarding inmate Jasdev Singh (64003-097). In this correspondence, you make inquiry as to why Mr. Singh is not eligible for participation in an RDAP program. Furthermore, you address what "appears to be an oversight" in designating Mr. Singh to Adams County Correctional Center and request this inmate's transfer to a more suitable facility.

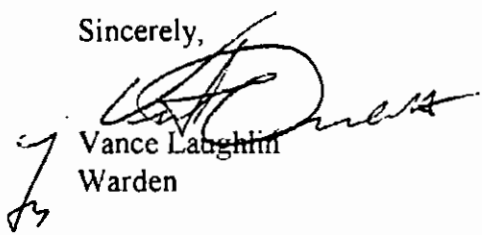
As outlined in Bureau of Prisons Program Statement 5111.01, inmates at Hearing Sites (pending hearing) and inmates at Release Sites (with orders of deportation) shall not normally be considered for transfer for program participation (i.e. education programs, drug treatment), or for nearer release purposes. As this is the case with your client, inmate Singh has been provided with a copy of the Bureau Immigration and Customs Enforcement (BICE) detainer which has been placed against him.

Regarding the practices of BICE, your inquiry can certainly be more thoroughly addressed by contacting BICE directly. Accurate contact information is provided below for your reference:

**Jena ICE Office**  
**Attention: Special Agent in Charge**  
**830 Pinehill Road**  
**Jena, LA 71342**

I trust that I have sufficiently addressed your concerns. However, if you feel further inquiry should be made, please feel free to contact me.

Sincerely,

  
Vance Laughlin  
Warden

cc: File

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*: Pursuant to Federal Rules of Civil Procedure 4(i)(2) and 6 C.F.R. § 5.42, the summons were served on March \_\_\_\_ 2012, by Certified Mail, Return Receipt Requested to:

(1) Chief Counsel,  
 Office of the Chief Counsel  
 Department of Homeland  
 Security

(2) Director,  
 Department of Homeland Security  
 Bureau of Immigration and Customs  
 800 Truxton Ave. Suite 109  
 Bakersfield, California 93301

(3) Karen Escobar,  
 Asst. United States Attorney,  
 United States Attorney's Office  
 Eastern District of California  
 2500 Tulare Street  
 Fresno, California 93721.

(4) United States Attorney  
 General  
 Office of the AG  
 Washington, D.C. 20530

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Narinderjit Singh*

Server's signature

NARINDERJIT SINGH

Printed name and title

5025 Green Chover AVE  
 Bakersfield CA 93313

Server's address

Additional information regarding attempted service, etc: